THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 25257 of 2005

Dated: 29.11.2005

Between:

K.Praksham

..... PETITIONER

AND

The Vice-Chairman & Managing Director,

A.P. Forest Development Corporation Ltd.,

III floor, UNI Buildings, A.C. guards, Hyderabad

and others

.....RESPONDENTS

O R D E R:

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The petitioner is working as Deputy Plantation Manager in the A.P. Forest Development Corporation Limited, Nellore. At present, he is working in the Nellore region. The next superior post is Plantation Manager. According to the petitioner, there are

30 vacancies of the post of Plantation Manager in the Nellore district and 5 posts in the Nellore region, in which he is working. He contends that he belongs to SC category and that he is entitled for reservation in promotions also in terms of G.O.Ms.No.2, Social Welfare Department, dated 09.01.2004. Petitioner complains

that despite the existence of vacancies, the respondents are not taking any steps.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

It is settled principle of law that mere existence of vacancies does not by itself create any right either for appointment or for promotion in the respective cadres. It is for the appointing authority to take a decision whether or not to fill the existing vacancies. However, as and when the process of appointment or promotion is taken up, the claims of the respective candidates have to be considered in accordance with the provisions of law in vogue at the relevant point of time.

Petitioner contends that the respondents are under obligation to implement the policy of reservation in the matter of promotions also. It is too early for this court to pronounce upon the said aspect. Such an eventuality would arise, if only the respondent takes a decision to fill the posts of Plantation Manager by promotion. At the most, the petitioner would be entitled for consideration of his case in accordance with the extant policy, as and when the promotions are taken up.

Therefore, the writ petition is disposed of directing that as and when the respondents proceed to make promotions to the post of Plantation Manager, the case of the petitioner shall also be considered in accordance with the rules in force at the relevant point of time including the one relating to reservation in promotions. There shall be no order as to costs.

29th November 2005

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